

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID MURESAN,

Plaintiff,

v.

PRIME WEST,

Defendant.

No. C07-0064P

ORDER OF DISMISSAL WITHOUT
PREJUDICE

On February 7, 2007, the Court issued an order to show cause why Plaintiff's case against Defendant Prime West should not be dismissed because this Court lacks jurisdiction to grant the relief requested by Plaintiff. (Dkt. No. 5). Plaintiff has submitted a timely response to the Court's order. (Dkt. No. 6). Having reviewed Plaintiff's response to the order to show cause and the balance of the record in this case, the Court finds and ORDERS as follows:

(1) To the extent that Plaintiff is seeking appellate review in this Court of decisions by the Washington Supreme Court or other Washington state courts, this Court lacks jurisdiction to hear such an appeal for the reasons set forth in the order to show cause. As the Court noted, the United States Supreme Court has held that "a United States District Court has no authority to review final judgments of a state court in judicial proceedings." District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983). Instead, the Supreme Court has indicated that "[r]eview of such judgments may be had only in this Court" (i.e., the United States Supreme Court). Id.

1 (2) Plaintiff states in his response to the order to show cause that he asks the Court “to
2 treat this case as De Novo having all Washington state court remedies exhausted.” (Dkt. No. 6)
3 (emphasis in original). However, even putting aside concerns that Plaintiff may be seeking to litigate
4 claims that were raised or could have been raised in prior state court proceedings, the Court would
5 lack jurisdiction to hear Plaintiff’s case on a de novo basis.

6 In his “Appellant’s Brief” filed with the Court, Plaintiff stated that this “[t]his case is a breach
7 of contract made by Prime West” (Dkt. No. 4 at 2) and that he is “ask[ing] the court to consider Prime
8 West to pay me \$18,000.00 for the damages produced to me and to my family.” Id. at 4. A claim for
9 breach of contract arises under state law, rather than under federal law. See Opera Plaza Residential
10 Parcel Homeowners Ass’n v. Hoang, 376 F.3d 831, 840 (9th Cir. 2004).

11 A United States District Court only has original jurisdiction over a state-law claim if: (1) the
12 parties are citizens of different states; and (2) the amount in controversy exceeds \$75,000. See 28
13 U.S.C. § 1332(a). Here, there is no allegation that Plaintiff and Prime West are citizens of different
14 states. Instead, the materials filed by Plaintiff indicate that his address is in Camano Island,
15 Washington, while Prime West is a business located in Mount Vernon, Washington.¹ (Dkt. No. 4-2 at
16 2). In any case, Plaintiff has indicated that he is seeking \$18,000 in damages from Prime West. As a
17 result, this Court would lack original jurisdiction over Plaintiff’s breach of contract claims even if
18 Plaintiff and Prime West were citizens of different states because the amount in controversy does not
19 exceed \$75,000. These jurisdictional defects are revealed by the existing record before the Court and
20 could not be cured by granting Plaintiff leave to amend his complaint to allege additional facts.

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24 ¹ Public records available from the Washington Secretary of State’s office list “Prime West of
25 Washington, Inc.” as a Washington corporation. The Secretary of State’s office lists the address for
this corporation as 2203 Highway 99 South, P.O. Box 26098, Mount Vernon, Washington, which is
the same address for Prime West as contained in materials filed by Plaintiff. See Dkt. No. 4-2 at 2.

1 (3) Because this Court lacks jurisdiction to hear Plaintiff's claim against Prime West, the
2 Court must dismiss this case without prejudice. Plaintiff is advised that the Court's dismissal of this
3 case is without prejudice to his ability to seek relief in a court of competent jurisdiction.

4 (4) The Clerk is directed to send copies of this order to Plaintiff

5 Dated: February 21, 2007.

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7 s/Marsha J. Pechman
8 Marsha J. Pechman
9 United States District Judge
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